IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No. 4256 of 2005

Between:

B. Samuel Syrilo, S/o. Joseph B.
R/o. Rajahmundry, E.G.District.

..... PETITIONER

AND

1 The State of A.P., rep. by its Secretary, Education Department (School), Secretariat, Hyderabad.
2 The Director of School Education, A.P., Hyderabad.
3 The District Collector, E.G. District, Head Quarters at Kakinada.
4 The District Educational Officer, E.G. District, Kakinada.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue an order or direction more particularly one in the nature of *Writ of Mandamus* calling for the records relating to the Proc. No.CD/Dis.A6/1259/2001, dated 8.8.2001 of the 3rd respondent and also the orders of the AP Administrative Tribunal passed in OA. 5949/2001, dated 17.12.2004 and declare the same as illegal, arbitrary and further direct the respondents to appoint the applicant on compassionate grounds in any suitable post and pass such other and further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.P.RAGHAVENDRA REDDY

Counsel for the Respondents: GP FOR SERVICES I

The Court at the admission stage made the following:

ORDER: (Per Hon'ble Sri Justice G. Bikshapathy)

The writ petition is filed by the petitioner assailing the order passed by the A.P. Administrative Tribunal, Hyderabad in O.A.No.5949 of 2001, dated 17.12.2004.

2. The matter relates to the appointment of the petitioner on compassionate grounds. The mother of the petitioner was working as School Assistant in Government High School, Korukonda, and she died on 12.10.2000 while in service. Therefore, the petitioner made an application to the authorities concerned for appointment on compassionate grounds, and the same was rejected by the proceedings CD Dis.A6/1259/2001, Dated 08.08.2001. Impugning the said proceedings, the petitioner filed the above said O.A. before the Tribunal. The Tribunal, after considering the matter, dismissed the O.A. by an order dated 17.12.2004. Against the said order, the present writ petition has been filed.

3. The learned counsel for the petitioner submits that the only ground for rejection of the appointment on compassionate grounds to the petitioner is that the father of the petitioner was getting pension, and therefore, the petitioner is not entitled for appointment on compassionate grounds. However, in this regard, it is brought to the notice of this Court that the Government of Andhra Pradesh has issued a clarification in Memo No.47891/CT/III (2)/2003-1, dated 19.3.2004, wherein it was stated that the pension cannot be treated as earnings and thus, the learned counsel for the petitioner submitted that the order of the Tribunal is liable to be set aside.

4. However, we are not inclined to consider this aspect. We leave it open to the Government to consider the same. Therefore, we set aside the order of the Tribunal as well as the proceedings dated-08-08-2001 rejecting the case of the petitioner for compassionate appointment.

5. Accordingly, we dispose of the writ petition directing the petitioner to make a

representation to the Government, bringing to the notice of it the memo issued vide proceedings No.47891/CT/III (2)/2003-1, dated 19.3.2004, within a period of three (3) weeks from the date of receipt of a copy of this order. On filing of such representation by the petitioner, the same shall be considered and pass appropriate orders, within a period of two weeks from the date of filing of the representation by the petitioner. No costs.

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(G. BIKSHAPATHY, J)

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(P.S. NARAYANA, J)

Date: 04.03.2005

Note: Issue C.C. in one week.

B.O.

Ksn

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Secretary, Government of A.P.,

Education Department (School),
Secretariat, Hyderabad.
2. The Director of School Education, A.P., Hyderabad.
3. The District Collector, E.G.District, Head Quarters at Kakinada.
4. The District Educational Officer, E.G.District, Kakinada.

5. 2 CCs to G.P. for Services-I, High Court Buildings, Hyderabad (OUT).

6. 2 CD copies

*Form-NIC-OGS/WP{**JGK**}*